

■ TOLER
■ LARSON
& ABEL...

RECEIVED
CENTRAL FAX CENTER
OCT 06 2005

FACSIMILE COVER SHEET

DATE: **October 6, 2005**
 TO: **Examiner HOM, Shick C.** FAX NO.: **703-872-9306**
USPTO - GAU 2666
 FROM: **Adam D. Sheehan**
Reg. No. 42,146
 RE: **REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT**

U.S. APP NO.: **10/766,314**

FILING DATE: **01/28/2004**

APPLICANT(S): **Stuart Lynch Blackburn**

ATTY DKT NO.: **1033-NW1001**

TITLE: **DIGITAL SUBSCRIBER LINE USER CAPACITY ESTIMATION**

NO. OF PAGES (INCL. COVER SHEET): **13**

MESSAGE:

Attached please find:

- PTO/SB/21 Transmittal Form (1 pg.)
- Reply to Notice of Non-Compliant Amendment (1 pg.)
- Reply to Non-Final Office Action (10 pgs.)

5000 Plaza On The Lake
Suite 265
AUSTIN, TEXAS 78746

Tel: (512) 327-5515
Fax: (512) 327-5452

CONFIDENTIALITY NOTE

The pages accompanying this facsimile transmission contain information from the law office of Toler, Larson & Abel, L.L.P., and are confidential and privileged. The information is intended to be used by the individual(s) or entity(ies) named on this cover sheet only. If you are not the intended recipient be aware that reading, disclosing, copying, distribution or use of the contents of this transmission is prohibited. Please notify us immediately if you have received this transmission in error at the number listed above and return the document to us via regular mail.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number 10/766,314

Filing Date January 28, 2004

First Named Inventor Stuart Lynch Blackburn

Art Unit 2666

Examiner Name HOM, Shick C.

Attorney Docket Number 1033-NW1001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) Replacement Sheets 1, 6 <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Remarks CUSTOMER NO.: 34456		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	TOLER, LARSON & ABEL, LLP	
Signature		
Printed name	Adam D. Sheehan	
Date	October 6, 2005	Reg. No. 42,146

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature Typed or printed name **Molly K. Harrison**Date **October 6, 2005**

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 06 2005

Applicant(s): Stuart Lynch Blackburn

Title: DIGITAL SUBSCRIBER LINE USER CAPACITY ESTIMATION

App. No.: 10/766,314 Filed: 01/28/2004

Examiner: HOM, Shick C. Group Art Unit: 2666

Customer No.: 34456 Confirmation No.: 1206

Atty. Dkt No.: 1033-NW1001

M/S AMENDMENTCommissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450**REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT**

Dear Sir:

In reply to the Notice of Non-Compliant Amendment mailed September 19, 2005, a copy of the Reply to Non-Final Office Action is provided. Applicant believes the attached reply is in compliance with 37 C.F.R. §1.121.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

10/6/05
Date

Adam D. Sheehan; Reg. No. 42,146
Attorney for Applicant
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone)
(512) 327-5452 (fax)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

Applicant(s): Stuart Lynch Blackburn

OCT 06 2005

Title: DIGITAL SUBSCRIBER LINE USER CAPACITY ESTIMATION

App. No.: 10/766,314 Filed: 01/28/2004

Examiner: HOM, Shick C. Group Art Unit: 2666

Customer No.: 34456 Confirmation No.: 1206

Atty. Dkt No.: 1033-NW1001

M/S AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY TO NON-FINAL OFFICE ACTION

Dear Sir:

In reply to the Non-Final Office Action mailed March 25, 2005, please amend the above-identified application as follows:

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on <u>October 6, 2005</u>	
Molly K. Harrison Typed or Printed Name	Signature